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OGC 70-1525

ER70-4626

2 September 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Limitations on Defense Funds in Southeast Asia

1. On 2 September 1970, I attended a meeting called by Department of State Under Secretary U. Alexis Johnson to discuss the Fulbright and other amendments to the Military Procurement Authorization bill. Also present were:

Department of State

John I. Getz, Special Assistant to Mr. Johnson

Congressional Relations

David M. Abshire, Assistant Secretary
Alexander Schnee

Bureau of Politico-Military Affairs

Thomas R. Pickering, Deputy Director
Christian Chapman, Director, Office of
Military Assistance and Sales

Legal Adviser

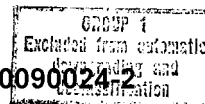
George H. Aldrich, Deputy Legal Adviser
Stanley N. Futterman, East Asian and
Pacific Affairs

Department of Defense

Dennis J. Doolin, Deputy Assistant Secretary
(East Asia and Pacific Affairs), International
Security Affairs

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B2

J. Fred Buzhardt, General Counsel

Benjamin Forman, Assistant General Counsel
(International Affairs)

Brig. Gen. James F. Lawrence, Deputy
Assistant to the Secretary for Legislative
Affairs

White House

Richard K. Cook, Special Assistant to the
President

2. Mr. Johnson opened the meeting by saying it was a follow up to the discussion the day before on the West Coast among himself, Secretary Packard, Dr. Kissinger, and General Cushman as to what the amendments meant to operations in Southeast Asia and what the solutions to the various problems are. He said he would like to know if there was general understanding and agreement on the limitations to carrying out activities in Southeast Asia [REDACTED]

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[REDACTED]

[REDACTED] There was general agreement on this, and rather to my surprise everyone present seemed to have come to this conclusion prior to the meeting.

3. Mr. Johnson then sought to appraise the problem. There seemed to be general agreement that the Administration could go along with all the amendments except the prohibitions which would [REDACTED] Laos. This, therefore, was considered to be the critical problem. There was discussion of an effort to have the House representatives in conference remove the words "in Laos" from the Fulbright amendment. I said in view of the record that Senators Fulbright and Stennis agreed these words would not add anything but merely

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reflected the current intent of the Congress, this would not solve the political problems unless the conference report could reflect that eliminating the phrase showed the revised intent of the Congress. Mr. Johnson felt this course of action would be futile, as it would merely wave a red flag in Fulbright's face. There was considerable discussion of what the conferees could do, and State and Defense representatives have undertaken to devise language which might be useful in the conference report. Further, it was felt consultation should be had with at least Representatives Rivers and Arends as to what the House conferees might be able to accomplish in conference. Finally, Mr. Johnson suggested it might be a solution for CIA to go to its subcommittees and obtain their support for carrying on the proposed programs in Laos with money [REDACTED] I said I felt it would not be difficult to get some support in the House, but that I was concerned as to what Mr. Russell's attitude would be and I know Mr. Stennis has great respect for Mr. Russell's views. Furthermore, I said it would have to be more than just their approval; it would have to be the sort of support which would protect the Agency and its authorities against the inevitable attack that would come when the programs were publicized, and that there was no way we could keep them from being publicized. I said I would take this aspect up with the Director. Meanwhile, General Lawrence agreed he would approach Russ Blandford at the earliest opportunity to discuss what the House Armed Services Committee's position might be, and he agreed to consult with Mr. Maury prior to contacting Mr. Blandford.

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4. I felt that in general there was good acceptance of the very delicate position CIA was put into by all these circumstances and this must be balanced against the urgent desire to carry on with the programs in Laos.

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LAWRENCE R. HOUSTON
General Counsel

cc: DCI
DDCI
ExDir-Compt
DDP
FE
OLC

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<p>Remarks: Attached is a report on a meeting I attended in Secretary Johnson's office on the impact of the Fulbright amendments on activities in Southeast Asia. At the very least, it shows an understanding of the difficult position the Agency could get into and discusses various approaches to alleviate the problem. Of specific interest is Mr. Johnson's proposal that the Director consult the CIA Subcommittee</p> <div style="border: 1px solid black; width: 250px; height: 40px; margin: 10px auto;"></div> <p style="text-align: center;">LRHouston</p>			
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2 September 1970

Honorable Don R. Brazier
Principal Deputy Assistant
Secretary (Comptroller)
Department of Defense
Washington, D. C.

Dear Don:

Following up our telephone conversation yesterday, we would be very grateful if you could include in your recommendations on Senate amendment No. 814 to the Military Procurement Authorization bill (H. R. 17123) a point of considerable concern to us. Amendment No. 814 would require the head of any Federal department or agency to provide, on request from any of four designated Congressional Committees, a copy of any report, study, or investigation financed in whole or in part by Federal funds and prepared by a person outside the Federal Government. The only exception would be in cases where the President exercises executive privilege to withhold the report.

While almost certainly not intended, this amendment could be interpreted to require the Director to provide, on request of any one of the four Committees, highly classified reports from the most sensitive sources. This could be in direct conflict with the Director's statutory responsibility to protect intelligence sources and methods under P. L. 80-253.

We would hope the amendment could be dropped altogether by the Conference Committee. Should this not be feasible, then we would recommend that it be clarified by insertion of the words underscored in the enclosure.

Sincerely,

L. K. White
Executive Director-Comptroller

Enclosure

Distribution:

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(OLCJMM:jmd (2 Sept 70))

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Amendment No. 814 to H. R. 17123

"Sec. 206. The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, the House Committee on Armed Services, or the House Committee on Foreign Affairs, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation is within the jurisdiction of such committee, was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege."